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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,619	06/25/2003	Kazuo Okada	239508US2	2508

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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SHAH, MILAP

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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06/11/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/602,619	<b>Applicant(s)</b> OKADA, KAZUO	
	<b>Examiner</b> Milap Shah	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 15, 2007 has been entered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. (U.S. Patent No. 6,517,433) in view of Takemoto et al. (U.S. Patent No. 5,472,195).

**Claims 1, 2, 4, 5, & 12:** Loose et al. disclose the invention substantially as claimed including a gaming apparatus comprising:

- a) a variable display unit configured to variably display a plurality of symbols (figure 1[reels 12a, 12b, & 12c]);
- b) a front side display unit located in the front of the variable display unit (figure 2[flat panel transmissive video display 14a]), the front side display unit having a first area for enabling viewing of the symbols displayed by the variable display (figure 8a, note: the "first

area” is the area of the transmissive panel which corresponds to the variable display behind the panel, wherein this area is kept transparent to enable viewing of the symbols displayed on the variable display) and a second area (figure 8a, note the remainder of the area around where the transparent openings for the symbols are located is considered the “second area”), which surrounds the first area, for enabling displaying images thereon (see figure 3 which explicitly shows imaging only displayed in the “second area” around the “first area”).

c) an internally winning prize determiner (i.e. random number generator) configured to determine an internally winning prize (column 3, lines 48-55);

d) a stopping controller configured to stop the varying of display of the variable display unit based on a result of determination by the internally winning prize determiner (column 3, lines 48-55, note a specific “stop controller” is an inherent or included process within the central processing unit); and

e) a prize awarded if a stopped state displayed on the variable display unit, which is caused by the stopping controller, matches a prescribed stopping state (i.e. as in any slot machine, if the reels stop at a winning combination based on the pay table, an award is given, see at least the abstract and column 2, lines 25-27).

Loose et al. specifically lack an explicit disclosure of the front side displaying unit not displaying any images on the first area, however, the Examiner submits that such a situation is a mere design consideration, where a programmer of the game is capable of programming imaging that does not overlap the “first area” which is the transparent area overlapping the variable reel display. Although the Examiner believes such an interpretation of Loose et al. may be made to reject the specific front side display unit not displaying any images over the first area, as it appears to be a mere design consideration, and for the purpose of precluding

any arguments on that basis, the Examiner submits that Takemoto et al. explicitly teach a first area having an opening area (i.e. as required by claim 2 or 12) which, similarly to Loose et al., provides for enabling viewing of the symbols on the rotating reel drums. Additionally, Takemoto et al. disclose a second area, similarly to Loose et al., where images may be displayed thereon and the second area is surrounding the first area. Thus, in summary, Takemoto et al. teach “the first side displaying unit does not display any images on the first area”, as the first area is “cut” out or an opened area, where the reels may be seen through. Takemoto et al. further disclose that a liquid crystal display is used as the display device displaying images on the second area (column 8, lines 19-32). One would may be motivated to make a modification to Loose et al. in which the liquid crystal display panel is modified with “openings” where the variable display device can be seen through for at least the reasons of providing a gaming machine in which background imaging may be capable for the purpose of changing game machine themes, rather than merely displaying images to make effects on the displayed reel symbols. Such a modification appears to create a gaming machine having that is capable of changing its theme at any time, where the theme refers to the imaging in the surrounding or second area that is specific to a certain topic, such as fish (as disclosed by Takemoto) or cherries. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the transparent LCD panel disclosed by Loose et al. with the teachings of Takemoto et al. to provide opening areas where symbols from the rotating reels may be seen through while simultaneously providing background or other theme imaging surrounding the symbols displayed through the opening areas, for at least the reason of creating a gaming machine that has an easily modifiable theme, where the imaging on the game machine is easily changed such that the gaming

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machine may switch themes from, for example, a fish theme to a cherries theme, in accordance with the indicia on the rotating reels.

**Claim 3:** Loose et al. disclose the stopping of the reels at a predetermined random outcome (see abstract), in which “a plurality of stoppers” is inherent to perform the stopping actions.

**Claim 6:** Loose et al. disclose the transmissive panel of at least the second area is a liquid crystal display panel (column 2, lines 44-47).

**Claim 7:** Loose et al. disclose an optional glass cover/ window that would be used to “protect the first area and second area” (column 2, lines 66-67).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. & Takemoto et al., as applied to claims 1-7 & 12, where applicable, further in view of Tsuji et al. (Japanese Publication No. 2000-011725), published January 14, 2000.

**Claim 8:** The combination of Loose et al. & Takemoto et al. discloses the invention substantially as claimed except for explicitly disclosing the use or existence of a backlight set in an end portion of the front display, such as a cold cathode fluorescent tube or the like, however, Tsuji et al. discloses a cold cathode fluorescent tube as a backlight for a similar gaming machine in which a variable display (reels) is disposed behind a transmissive panel

display, such that the variable display can be seen through the transmissive panel display, wherein the transmissive panel display is capable of displaying imaging around the symbols of the variable display (see at least figures 2 & 7 and paragraphs 0010 & 0016-0026). These two references are considered analogous or equivalent art. One would be motivated to modify the combination of Loose et al. & Takemoto et al. with a physical backlight since it is old and well-known to add backlights to gaming machines, and it would have been second nature to a game designer having ordinary skill in the art to have created a gaming machine embodiment with the assistance of Loose et al.'s disclosure to utilize a backlight (as disclosed in the background in Loose et al. as being well-known) in place of enhanced visual effects for at least the purpose of reducing energy consumption and costs, since each time the liquid crystal display is started to perform lighting enhancements an increased amount of electricity is used to operate the transmissive panel. Thus, in lieu of using the transmissive panel in lower winning circumstances, it would have been obvious to use a physical light as a backlight. Therefore, it would have been prima facie obvious to modify the combination of Loose et al. & Takemoto et al. with a backlight, such as a cold cathode florescent tube for purposes of highlighting for at least the reasons discussed above.

**Claim 9:** The combination of Loose et al., Takemoto et al., & Tsuji et al. disclosed above also disclose a reflecting cover set in the end of portion of the front display configured to allow light emitted from the backlight to illuminate the symbols displayed by the variable display unit (see at least figure 7[lamp reflectors 46 or 47] and paragraph 0020).

**Claim 10:** The combination of Loose et al., Takemoto et al., & Tsuji et al. disclosed above also disclose a "light guiding panel" configured to allow light emitted from the backlight to illuminate the front display (see at least figure 7[light plate 41] and paragraphs 0016-0026).

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**Claim 11:** The combination of Loose et al., Takemoto et al., & Tsuji et al. disclosed above also disclose a “scatter panel” configured to scatter light emitted from the backlight towards the light guiding panel (see at least figure [light plate 42 – “scatters” light towards light plate 41] and paragraphs 0016-0026).

### *Response to Arguments*

The outstanding 35 U.S.C. 112, second paragraph rejection of claim 1 is hereby withdrawn in response to the amendments made to overcome the rejection.

The outstanding claim objection of claim 2 is hereby withdrawn in response to Applicant's remarks.

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.B.S.

/Scott E. Jones/  
Primary Examiner, Art Unit 3714